

CLAUSE NOTES

Legislative Council Electoral Boundaries Amendment Act 2017

Clause 1: Short title

Clause 1 cites the Bill as the Legislative Council Electoral Boundaries Amendment Act 2017

Clause 2: Commencement

Clause 2 provides for the Act to commence on the day on which it received Royal Assent

Clause 3: Principal Act

Clause 3 provides that the Principal Act to which the amendments apply is the Legislative Council Electoral Boundaries Act 1995

Clause 4: Section 10 amended (Commencement of redistributions)

Clause 4 amends section 10(2) of the Act by omitting from paragraph (a) “4½ years” and substituting “5 years”; and omitting from paragraph (b) “9 years” and substituting “10 years”.

At present paragraph (a) provides that if

- (a) it appears to the Electoral Commissioner, from a determination published under section 9 at any time after 4½ years after a redistribution of the State under this Act, that the number of persons enrolled in respect of 4 or more electoral divisions varies by more than 25% from the average divisional enrolment;

At present paragraph (b) provides that if

- (b) a period of 9 years has elapsed since the appointment of the Redistribution Committee under section 4 – the Electoral Commissioner must recommend to the Minister having the administration of the Electoral Act 2004 that the Committee and the Tribunal be re-appointed under section 4 of this Act.

(Section 9 refers to the requirement to take notice of quarterly ascertainment of enrolments. Section 4 refers to the appointment of the Redistribution Committee and Redistribution Tribunal.)

The purpose of these amendments are to synchronise Redistribution Determinations with the availability of Population Projections from the latest Australian Census data which occurs every five years.

Clause 5: Section 13 amended (Redistribution Committee to make initial redistribution proposal)

Clause 5 amends Section 13 of the Principal Act by omitting from subsection (2)(a) “4 years and 6 months” and substituting “5 years”;

At present Section 13 subsection (2)(a) provides the first priority is to ensure, as far as practicable, that, if the State were redistributed in accordance with the initial redistribution proposal, the number of electors enrolled in each Council division would not, 4 years and 6 months after the redistribution, be less than 90% or more than 110% of the average Council division enrolment;

The purpose of this amendment is to synchronise Redistribution Determinations with the availability of Population Projections from the latest Australian Census data which occurs every five years.

Clause 6: Section 29 (2) amended (Effective date of redistribution)

Clause 6 amends s29(2) to replace “July” with “January”.

At present Section 29 (2) provides that

(2) Except as provided in the determination of the Redistribution Tribunal under section 29A, a redistribution does not affect the election of a member to fill a vacancy in the Legislative Council until 1 July following that determination.

(Section 29A refers to the transition arrangements to implement redistribution in respect of Legislative Council)

The purpose of this amendment is to change the date when Redistribution Determinations are introduced to avoid interference with elections.

Clause 7: Section 37A inserted

37A. Transitional provisions in relation to the Legislative Council Electoral Boundaries Amendment Act 2017

(1) In this section –
amending Act means the Legislative Council Electoral Boundaries Amendment Act 2017.

(2) The amendments to section 10 and section 13 made by the amending Act do not apply to, or in relation to –
(a) an initial redistribution proposal made in 2017 under section 13(1);
and
(b) a further redistribution proposal made in 2017 under section 21(1);
and
(c) a determination made in 2017 under section 25.

(3) The amendment to section 29(2) made by the amending Act applies to, and in relation to, a determination made in 2017 under section 25.

The new proposed clause 37A(2) makes it clear that the provisions of Clauses 4 and 5 DO NOT apply to the current Redistribution process.

Section 37A(3) provides for the amendment to Clause 6 (Effective date of redistribution) to apply to the current Redistribution Determination.

The purpose of this Clause is to provide for the introduction of the 2016-17 Legislative Council Boundaries Redistribution Determination to be moved from 1 July to 1 January 2016-17 to avoid interference with elections.